

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22<sup>ND</sup> DAY OF MAY 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Doug Marrs	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Bob Isner	-Economic Development Director
	Brian Hamilton	-Economic Development Associate Director
	Karen Edmonds	-Human Resources Director
	Daisy Herendon	-Benefits Coordinator
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Gary D. Creed	-Supervisor

### **CALL TO ORDER**

The Chair called the meeting to order.

### **ADDENDUM #1**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum dated May 22, 2006 was added under Closed Meeting:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

2. Prices Fork Elementary School
3. Proposed Land Sale – Kipps Farm

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

### **INTO CLOSED MEETING**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

#### Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
  1. Bethel Elementary School Property
  2. Prices Fork Elementary School
  3. Proposed Land Sale – Kipps Farm
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
  1. Lease Agreement with Luna Technologies for Blacksburg Technology Manufacturing Building
  2. City of Radford – Boundary Line Adjustment

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Greenways and Pathways Corridor Committee

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

#### **OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

#### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs  
Annette S. Perkins  
James D. Politis  
John A. Muffo  
Doug Marrs  
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Gary D. Creed

ABSENT DURING MEETING

Gary D. Creed

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**PUBLIC HEARING**

Brush Mountain Estates, LLC ( Agent: Draper Aden) – Rezoning Request

**Brush Mountain Estates, LLC. (Agent: Draper Aden) request to rezone 22.0717 acres of a 156.0838 acre tract from Agriculture (A-1) to Rural-Residential (R-R), with possible proffered conditions, to allow the development of approximately ten (10) single-family detached dwellings.** The property is located on the north side of Brush Mountain Road (SR 777) and on the eastern boundary of Brush Mountain West Phase 2. The property is further described as being located on the south side of Pandapas Pond Road (US460) east of the intersection with Autumn Lane. This parcel is identified as a separate and distinct part of Tax Parcel No. 27-A-40

(Acct ID # 016095) in the Mount Tabor Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation. Brush Mountain Estates, LLC is requesting a rezoning of 22 acres of a 156 acre tract to allow the development of 10 single family dwellings. This is part of the Brush Mountain Estates West.

At their May 10, 2006 meeting, the Planning Commission recommended approval of the rezoning request with six conditions as follows:

1. VDOT requirement for sight distance shall be met.
2. Each drainfield shall be located on the lot they serve.
3. There shall be a setback requirement of forty feet for the lots adjacent to Route 460 ROW.
4. Maximum allowable road grade shall be 16%.
5. No entrances on Route 460.
6. Private covenants and restrictions shall be put in place requiring a minimum area of thirty (30) feet from dwellings be cleared of trees for Wildfire Mitigation.

Randall Hancock, agent for applicant, was available to answer questions.

Bill Davis expressed concerns with the right-of-way and share driveway. He has no basic objections to the rezoning request.

There being no further speakers, the public hearing was closed.

#### Brush Mountain Estates, LLC (Agent: NTELOS) – Special Use Permit

**Brush Mountain Estates, LLC (Agent: NTELOS) requests a special use permit on approximately 5.08 acres in Agriculture (A-1) to allow the replacement of an existing sixty (60) foot telecommunications tower and equipment shelter with a one-hundred twenty (120) foot telecommunications tower and associated ground equipment cabinets.** The property is located on the north side of Mtn. Mission Church Road (SR 778) approximately 300 feet west of Belaire Drive and is identified as Tax Parcel Nos. 15-8-3 (Acct ID # 036240) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The Zoning Administrator provided a presentation on the request. At their April 12, 2006 meeting, the Planning Commission recommended denial of this request due to the proposed replacement of the existing non-conforming structure would place the new tower approximately 50 feet from the side property lines, which do not meet the current setback requirement of 100 feet from all property lines for new telecommunications structures. NTELOS requested a continuance of their request in order to allow them time to address the issues raised by the

Planning Commission. Therefore, by consensus the Board of Supervisors referred the request back to the Planning Commission in order to hold a new public hearing and to provide a new recommendation to the Board on the amended request for a Special Use Permit to allow a 120 foot Telecommunication Tower.

The original request submitted has been revised to address several concerns voiced at the April 12, 2006 Planning Commission meeting. The applicant is now proposing to move the tower approximately 150 feet to the north of the existing tower. This relocation was done for two primary reasons. First, the relocation of the tower allows the new structure to comply with the zoning ordinance requirement of a 100 ft. setback. Second, the tower is now off the top of the ridgeline and lower in the ground elevation, which should reduce the visibility of the structure for the Blacksburg area.

At their May 10, 2006 meeting, the Planning Commission recommended approval of the request with ten conditions as follows:

1. This Tower shall not exceed a total overall height of one hundred (100) feet and shall not have lighting. Tower shall have a base diameter not to exceed twenty-five (25) inches and a top diameter of twelve (12) inches.
2. Site development shall be in substantial compliance with the plans entitled, "Proposed 120' Monopole Tower – RN 735" prepared by Terradon Engineering Corporation dated April 19, 2006.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Twisted Branch or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the county zoning ordinance.
7. All trees on the property (within 200 feet south of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees as shown on map prepared by Planning & GIS Services dated May 10, 2006.
8. Existing communications tower and associated building and equipment (former US Forest Service tower and equipment) shall be removed prior to electrical service being provided to the new tower.
9. Backup generator, if applicable, shall not be provided by any liquid fuel source.
10. A buffer consisting of evergreen trees six feet in height and spaced 10-15 feet apart shall be planted between the private access road and the lease area. Dead or diseased trees shall be replanted with new evergreen trees at least six (6) feet in height. This planting shall occur prior to the final building inspection of the tower.

In discussion, the Planning Commission stated opposition to the request because the tower would be located in a residential area.

The applicant also proffered to provide Montgomery County Emergency Services antennae space on the proposed tower at approximately 80 feet above the ground.

Mike Pace, Gentry Locke Rakes & Moore, agent for the applicant, reported NTELOS did evaluate six other sites in order to co-locate on existing structures. None of the six locations provided the coverage needed. Montgomery County's Comprehensive Plan does outline nine locations, from the most preferred sites to the least preferred sites; however, the first seven locations are not available to NTELOS in this area. Mr. Pace indicated that the request does meet the comprehensive plan requirements and is a reasonable request.

Rene Neron spoke in opposition to the proposed cell tower. The existing abandoned tower is 60 ft in height and cannot be seen from the ridgeline. The proposed tower of 100 – 120 feet will be visible. It is clearly visible from US 460, especially from the Giles County side. He believes the request is for a new cell tower, not for a replacement tower.

Dan Swanson spoke in opposition to the proposed cell tower. Mr. Swanson believes the request does not meet the required setbacks as required in the Zoning Ordinance. The entire structure must meet the setback requirements, including the equipment. He stated that with the equipment the tower will have only a 90 ft set back. Mr. Swanson also stated that there have been no towers constructed in residential areas in the County. The lot in Brush Mountain Estates may be zoned agriculture but is still in a residential area. In summary, Mr. Swanson stated the tower does not meet the required setbacks; is inconsistent with land use; is a low density residential area; will damage the beauty of the area; and there are other alternatives that have not been researched.

Brian Mihalik spoke in opposition to the proposed cell tower. Mr. Mihalik stated the location for the tower is in a residential neighborhood and the cell tower is clearly not compatible with low-density resident homes. A petition has been submitted with over a 100 signatures in opposition to the tower. Mr. Mihalik stated there is not a need for the tower in Montgomery County, nor is there a lack of cell service in Montgomery County. The tower is obviously to be constructed for service for Giles County, not Montgomery County. Mr. Mihalik believes there are other suitable locations that have not been considered and asked if the tower could be co-located on the AEP tower, water tower in Giles County, or even Mountain Lake.

Denis Fallon spoke in opposition to the proposed cell tower. Mr. Fallon believes that the value of their homes will decrease and does not see the value of a tower in Montgomery County. There is no need for the tower service in Montgomery County.

John Lounsbury spoke in opposition to the proposed cell tower. Mr. Lounsbury cited concerns with the possible radiation from the tower; location within a residential area; and the natural beauty of the area.

Renee Gambill spoke in opposition to the proposed cell tower. Ms. Gambill expressed concerns with the possibility of radiation from the tower. The technology is too new to consider health effects and there is a need for a long-term study to determine the health effects from towers. A cell tower should not be placed in a residential neighborhood and she expressed concern for her children.

Tony Gambill spoke in opposition to the proposed cell tower. Mr. Gambill expressed concerns with how a cell tower will effect the property values in Brush Mountain Estates. Also, if the tower is approved, the Board will be setting a precedent for future towers in residential neighborhoods. The tower is not compatible in a residential area and he requested NTELOS to seek an alternative location.

Ann Price spoke in opposition to the proposed cell tower. Ms. Price believes the request for a cell tower does not meet the set-back requirements and does not comply with the comprehensive plan. The comprehensive plan outlines a uniform approach to siting of new towers and the proposed location falls under number 8 in the plan, Agriculture/Conservation zoned lands-ridgeline. This tower is not compatible with residential neighborhoods.

Julie Fallon spoke in opposition to the proposed cell tower. Ms. Fallon believes the tower would be a blot on the landscape for the entire region and urged the Board to deny the request.

Randall Price spoke in opposition to the proposed cell tower. Mr. Price submitted a petition with 107 signatures in opposition to the request. He listed several objections to the request as follows: located in residential neighborhood; located on a prominent ridgeline; least preferred site; no other cell tower located in residential neighborhood; sets a precedent for future requests; and environmental impact.

Frank Symanoskie spoke in opposition to the proposed cell tower. Mr. Symanoski agreed with all the other speakers. He believes the tower will have an impact to the property values and asked the Board to consider the residents of the County.

Kenneth Moore spoke in opposition to the proposed cell tower. Mr. Moore moved back to the area and is planning to build a home in Brush Mountain Estates. He urged the Board to oppose this request.

Ira Smith Jr., spoke on behalf of the Mtn. Mission Church in opposition to the proposed cell tower.

Linda Mihalik spoke in opposition to the proposed cell tower. Ms. Mihalik believes there is not a need for a cell tower in Montgomery County as there is already coverage. She believes Giles County will benefit from this tower and Brush Mountain Estates, LLC will benefit by receiving rental payments. The proposed tower will negatively affect property values and therefore impact tax revenues for the County.



Clara Cox spoke in opposition to the proposed cell tower. Ms. Cox asked the Board not to ignore the comprehensive plan. If the tower is approved the Board will be setting a precedent for future requests in residential areas. She is saddened to think that Brush Mountain's beauty will be damaged by a cell tower.

Fred Selby spoke in opposition to the proposed cell tower. Mr. Selby expressed concerns with the impact to property values and environmental issues. He urged the Board to protect property values, which is one of the concerns expressed by citizens during the comprehensive plan study. According to the comprehensive plan, the proposed site is one of the least preferred sites for a cell tower.

Kevin Gilmore spoke in opposition to the proposed cell tower. Mr. Gilmore does not believe the proposed tower will benefit Montgomery County. The tower does not meet the required set-backs and would be visible.

Chris Rundgren spoke in opposition to the proposed cell tower. Me. Rundgren believes the tower will affect the property values and urged the Board to deny the request.

Glenn Tyndall spoke in opposition to the proposed cell tower.

The Board of Supervisors discussed the proposed cell tower and asked several questions to the Zoning Administrator in order to clarify concerns addressed by the citizens tonight.

Supervisor Biggs asked if an environmental impact study has been done. The Zoning Administrator explained that it is not a county requirement for an environmental impact study to be performed but a Federal Communication Commission (FCC) requirement, if the tower is over a certain height. He believes that NTELOS does have a study underway.

Supervisor Spradlin asked if the proposed tower meets the County's set-back requirements. The Zoning Administrator stated that it is his opinion that the structure does meet the requirements as the tower will be of monopole design and the base (25" base) is well within the 100 ft set-back. The entire lease area is 50'x50'. The accessory building is 80 feet from the property line.

Supervisor Marrs asked if the proposed tower is in a residential zoning and if there are any other towers in residential zonings. The Zoning Administrator explained that the proposed site in the Brush Mountain Estates Subdivision is zoned Agriculture with the site located in a residential setting. The Sheriff's tower is also zoned Agriculture but next to a residential zoning. The Zoning Ordinance requires all cell towers to be located in Agriculture zoning. They are not allowed in residential zoning.

Mike Pace, agent for applicant, was given the opportunity to respond to comments. Mr. Pace reported an environmental impact study is only required by the FCC and is a condition prior to construction of a tower and is not required during the approval process. He indicated a study was underway for a 100-125 ft monopole design tower. The proposed tower is needed to provide coverage for Town of Blacksburg, Montgomery County, and Giles County. The NTELOS team undertook an intensive drive test throughout the County with high technology

equipment to determine the lack of coverage area. It was more than driving around with a cell phone to see if they had coverage or not.

There being no further speakers, the public hearing was closed.

### **PUBLIC ADDRESS**

There being no speakers, the public address session was closed.

### **ADDENDUM #2**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum dated May 22, 2006 was added to the agenda under New Business:

#### **Resolution authorizing the Industrial Development Authority to enter into an amended Lease Agreement with Luna Innovations.**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
James D. Politis	None	Annette S. Perkins	Gary D. Creed
John A. Muffo		Gary D. Creed	
Doug Marrs			
Mary W. Biggs			
Steve L. Spradlin			

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated May 22, 2006 was approved.

The vote on the foregoing motion was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent During Vote</u>	<u>Absent During Meeting</u>
Mary W. Biggs	None	Annette S. Perkins	Gary D. Creed
James D. Politis		Gary D. Creed	
John A. Muffo			
Doug Marrs			
Steve L. Spradlin			

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the minutes dated April 10, 2006, April 24, 2006 and May 1, 2006 were approved.

#### **A-FY-06-110 SHERIFF RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$ 572
320	Sheriff – County	\$ 671
321	Sheriff – Grants	<u>\$ 125</u>
	Total	\$1,368

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 671
441101	Insurance Recoveries	\$ 572
424401	Project Lifesaver	<u>\$ 125</u>
	Total	\$1,368

Said resolution appropriates recovered costs from deputies working security, insurance recoveries and Project Lifesaver.

#### **A-FY-06-111 SCHOOL SUPPLEMENTAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

09	School Operating Fund	
	61000 Instruction	\$856,472

The source of funds for the foregoing appropriation is as follows:

Revenue Account:

09 433219	SP ED Flow Thru Title VI	856,472
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Said resolution appropriates additional funds for the School Operating Fund.

**R-FY-06-170  
APPOINTMENT  
MONTGOMERY REGIONAL  
SOLID WASTE AUTHORITY**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Joseph V. Gorman, Jr.** as Montgomery County Representative on the Montgomery Regional Solid Waste Authority effective July 1, 2006 and expiring June 30, 2010.

**R-FY-06-171  
MONTGOMERY REGIONAL  
SOLID WASTE AUTHORITY  
AT-LARGE APPOINTMENT**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia approves the reappointment of **Al Bowman** to the Montgomery Regional Solid Waste Authority as the at-large representative effective July 1, 2006 and expiring June 30, 2010.

**NEW BUSINESS**

**R-FY-06-169  
APPOINTMENT  
PLANNING COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **David Moore** to the Montgomery County Planning Commission effective June 1, 2006 and expiring May 31, 2010.

The vote on the foregoing resolution was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent During Vote</u>	<u>Absent During Meeting</u>
James D. Politis	None	Annette S. Perkins	Gary D. Creed
John A. Muffo		Gary D. Creed	
Doug Marrs			
Mary W. Biggs			
Steve L. Spradlin			

**R-FY-06-172**  
**RESOLUTION OF APPRECIATION**  
**JOSIAH T. SHOWALTER**  
**COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

**WHEREAS, Josiah T. Showalter** has served the citizens of Montgomery County as Commonwealth's Attorney since January 2000; and

**WHEREAS, Josiah T. Showalter** has represented Montgomery County on the New River Valley Alcohol Safety Action Program since May 2003; and

**WHEREAS, Josiah T. Showalter** resigned as Montgomery County Commonwealth's Attorney to be appointed as Circuit Court Judge in the 27<sup>th</sup> Judicial Circuit.

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Josiah T. Showalter** for his outstanding public service.

**BE IT FURTHER RESOLVED**, The Board of Supervisors wishes **Josiah T. Showalter** continued success as Circuit Court Judge in the 27<sup>th</sup> Judicial Circuit.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **Josiah T. Showalter** and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Doug Marrs	None	Annette S. Perkins	Gary D. Creed
Mary W. Biggs		Gary D. Creed	
James D. Politis			
John A. Muffo			
Steve L. Spradlin			

**R-FY-06-175**  
**RESOLUTION AUTHORIZING THE INDUSTRIAL**  
**DEVELOPMENT AUTHORITY OF MONTGOMERY**  
**COUNTY, VIRGINIA TO ENTER INTO AN AMENDED**  
**LEASE AGREEMENT WITH**  
**LUNA INNOVATIONS**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia (the "Board of Supervisors") that the Board of Supervisors hereby agrees that the Industrial Development Authority of Montgomery County, Virginia, (the "Authority") is authorized to enter into an Amended Lease Agreement dated May 11, 2006, with Luna Innovations, or its appropriate subsidiary company, to Lease approximately 31,300 sq. ft. of the 109,000 sq. ft. Technology Manufacturing Building in the Blacksburg Industrial Park.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Authority is authorized and directed to execute a Construction Contract with Avis Construction in an amount not to exceed \$900,000 and to execute an Architectural Services Contract with Mann & Associates in an amount not to exceed \$50,000, contingent upon the review and approval of the County Attorney, and;

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Authority is hereby authorized to obtain a loan up to \$900,000 in financing from First National Bank to be used towards the Technology Manufacturing Building upfit and to be repaid from the Luna Innovations Lease Revenue.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board of Supervisors hereby agrees that should the Authority fail to repay the loan of \$900,000 plus interest in accordance with the terms of repayment, the Board of Supervisors agrees to the extent permitted by law and subject to future appropriation by the Board of Supervisors, to re-pay the Authority's outstanding loan amount for the Technology Manufacturing Building upfit.

This resolution shall take effect immediately.

ADOPTED THIS 22<sup>nd</sup> DAY OF MAY, 2006.

The vote on the foregoing resolution was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent During Vote</u>	<u>Absent During Meeting</u>
Mary W. Biggs	None	Annette S. Perkins	Gary D. Creed
James D. Politis		Gary D. Creed	
John A. Muffo			
Doug Marrs			
Steve L. Spradlin			

## **INTO WORK SESSION**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2006-2007 Budget
2. Social Services Eligibility Worker
3. Brain Injury Services of Southwest Virginia
4. Planning District Commission – 2007 Annual Projects
5. Consolidated Collection Sites – Paving

The vote on the foregoing motion was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent During Vote</u>	<u>Absent During Meeting</u>
Mary W. Biggs	None	Annette S. Perkins	Gary D. Creed
James D. Politis		Gary D. Creed	
John A. Muffo			
Doug Marrs			
Steve L. Spradlin			

## **FY 2006-2007 Budget and Appropriation**

The County Administrator reported that the General Assembly has not yet adopted a state budget for FY 2006-2007. Within the County's budget includes state funding increases as follows:

General Fund	\$1,635,091
School Operating Fund	<u>\$6,307,192</u>
Total	\$7,942,283

Within the General Fund, the majority of the increases relate to the Comprehensive Services Act (\$379,287), Public Assistance Funding (\$454,409), and Constitutional Officers (\$465,545).

If the County adopts the FY 06-07 budget including the state increases, then the budget will be adopted with \$8 million in expenditures will be authorized without verification that revenue will be available to support these costs. If the estimated increases are not approved by the state, then the County would have to reduce the expenditures or use fund balance to offset the revenue shortfall.

The County Administrator provided the Board with three alternatives to consider in order to adopt some type of appropriation at the June 26, 2006 meeting in order for the County to continue operating July 1, 2006.

Alternative 1: Adopt the FY 07 Budget with the estimated amount of state funding and assume the state dollars will be forthcoming.

Alternative 2: Adopt the FY 07 Budget and appropriate funds without the increase in state funds and add state dollars through a budget amendment and supplemental appropriation when the state budget is finalized.

Alternative 3: Adopt the FY 07 Budget with provisions. At the June 26, 2006 meeting, appropriate one quarter of the total budget to authorize expenditures and appropriate the remainder of the budget subsequent to the adoption of a state budget and confirmation of the receipt of state funding. This alternative would enable operations to continue after July 1, 2006 and allows adequate time to address funding shortfalls.

Supervisor Biggs suggested the Board send a letter of encouragement to the local legislators to adopt a state budget. By consensus, the Board directed staff to send a letter to Senator Bell, Senator Edwards, Delegate Nutter, and Delegate Shuler.

#### **Social Services Eligibility Worker Position**

On June 28, 2004, the Board of Supervisors approved a resolution to provide \$18,322 in local money to be matched with a like amount of federal dollars to support an eligibility worker position for 12 months, July 1, 2004 through June 30, 2005.

Beginning July 1, 2005, the position was included in the reconciliation of the county budget to the state budget but no additional dollars were provided to cover the base amount. This resulted in a reduction in the budgeted amount for operating costs for the department. Within the current year, it appears vacancy savings has enabled the position to continue without additional county monies. This position was included in the total position count within the FY 07 budget; however, no additional dollars were provided to cover the base amount of funding for this position. The cost of the position in FY 07 is \$42,600, assuming 50% of the cost will be provided through federal funds. Leaving \$21,300 in local dollars in FY 07 and all future salary and fringe benefit increases.

The Board can approve the position and provide \$21,300 to cover the local share; approve the position contingent upon it being absorbed within the existing budget; or deny the position.

The County Administrator recommended approval of this position and providing \$21,300 to cover the local share.

Supervisor Politis reported there is a need for this position and urged the Board to consider providing the local share to continue this position in the future.

Supervisor Muffo asked if DSS used vacancy savings in the past to continue funding the position, why can't they continue using vacancy savings? The County Administrator reported



that DSS's operating budget is strained and it would be very hard to absorb additional monies to fund the position in FY 07.

### **Brian Injury Services of Southwest Virginia**

At the May 8, 2006 Board meeting, Supervisor Politis reported he was asked by the Brain Injury Services of Southwest Virginia (BISSW) to reconsider funding their program. Several Board members requested more information about BISSW.

BISSW has requested \$10,000 in FY 2006-2007. They have requested funding from the Board of Supervisors for the past three years, but the Board has not provided any funding for BISSW.

BISSW has requested funding from surrounding jurisdictions in the New River Valley and Roanoke Valley. Of the eleven jurisdictions BISSW requested funding from, only the following jurisdictions have provided funding:

	<u>FY 05</u>	<u>FY 06</u>
Pulaski County	\$7,000	\$7,000
Roanoke City	\$7,000	\$2,500
Roanoke County	\$1,000	\$1,500
Salem	0	\$2,000
Botetort	0	\$1,000

BISWW served 90 clients in FY 05, 41% are residents of Roanoke County and Roanoke City. In FY 05 only 9 clients were served in Montgomery County and 26 clients were projected to receive services in FY 06, with 14 clients being served to date.

BISWW states that funding received will be used to cover 30% of a 45% share of a case manager's salary, benefits, and mileage; facility expenses increases, and training and conference cost increases.

The County Administrator reported that no funding has been included in the FY 07 proposed budget. In order to provide funding would require a transfer from General Contingencies. This funding in not a one-time only request and would be requested in future years. BISWW is also projected to receive an increase in state/federal monies totaling \$152,327.

The County Administrator explained the Board can either fund a dollar amount as a supplemental appropriation after July 1, 2006 or do not provide finding given the fact that increased state funds are anticipated. Due to limited amount of local resources, funding was not included in the proposed budget for any new outside agencies.

Staff recommendation is to not provide any funding for BISWW and staff will review their request again during the FY 08 budget process.

## **Planning District Commission – 2007 Annual Projects**

The County Administrator reported that Supervisor Perkins, Board representative to the Planning District Commission, has forwarded a copy of the PDC annual projects for 2007. Included in the project package is the New River Valley Link Road, a connector road from Pulaski County to the industrial area in Blacksburg. In the past the Montgomery County Board of Supervisors has voiced their opposition to the project, as their first priority is Peppers Ferry Road (Route 114) and Riner Road (Route 8). Supervisor Perkins asked direction from the Board on how to vote on the 2007 Annual Project list at the next PDC meeting. It was the consensus of the Board that Supervisors Perkins oppose.

## **Consolidated Collection Sites – Paving**

The County Administrator provided the Board with additional information regarding their request for options for paving the consolidated collection sites in the county. All site attendants were given the opportunity to provide input as to the best arrangement for each site. A total of nine options are available, ranging from paving the entire site to paving near the compactor, with costs ranging from \$10,400 to \$344,318.

Supervisor Spradlin believes that the high traffic areas, such as the compactor, greenboxes, and recycling areas, be considered for paving and not the entire site.

The County Administrator suggested that Option 6, paving the compactor area at a cost of \$10,400, is feasible. He will see if the cost can be absorbed within the General Services budget.

## **OUT OF WORK SESSION**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Gary D. Creed
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
Steve L. Spradlin		

## **COUNTY ADMINISTRATOR'S REPORT**

### **VML – Retiree Medicare Supplement**

A retiree medical insurance program for Virginia Local Political Subdivisions is being offered through the Virginia Municipal League. VML has provided the opportunity for a Medicare supplement for retirees and at no cost to the County. VML will need to know if the County wishes to participate in the program in order for County employees to have the option to participate.

By consensus of the Board, the County Administrator was instructed to send a letter to VML advising them of the Board's intent to participate in the Retiree Medical Insurance Program.

### **ICMA- Retiree Health Savings Account (HRA)**

The County Administrator reported that the County currently offers a 401(k) and 457 Plan to county employees for retirement savings through ICMA-RC. ICMA is offering a new plan for county employees, Retiree Health Savings Plan. This plan would allow employees to rollover allowable leave balances into an HRA account upon separation from the County. Funds may be used for qualified medical costs. The employee has the option to participate and is not mandatory. A letter of participation is required.

By consensus of the Board, the County Administrator was instructed to send a letter to ICMA-RC advising of the County's intent to participate in the Retiree Health Savings Account (HRA).

### **Health Stat – Onsite Clinic**

Daisy Herndon, Benefits Coordinator, provided an update on the Montgomery County Wellness Program. She toured the Asheboro Elastics facility on May 17, 2006 to look at their HealthSTAT clinic. The HealthSTAT clinic was started to help decrease their health care costs. The clinic paid for itself in health plan savings after the second year. HealthSTAT provides an on-site clinic for employees. There is no cost to employees for clinic visits/labs and they do not have to clock out for visits. Since 2000, Asheboro Elastics has shown an increased savings in their health care costs.

If Montgomery County chooses to participate in the HealthSTAT program, the initial startup cost is estimated at \$63,690. HealthSTAT projected health plan savings for Montgomery County shows a positive savings. The impact of unmanaged claims versus claims with on-site management shows a savings of \$3,618 per employee by the year 2009.

Following a brief discussion, the Board decided that staff should proceed with pursuing a contract with HealthSTAT.

**R-FY-06-173**  
**RESOLUTION AUTHORIZING**  
**THE COUNTY TO PROCEED**  
**WITH THE HEALTH STAT CONTRACT**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County to pursue a free on-site clinic for County employees who participate in the County's health insurance program, subject to final Board of Supervisors approval of the contract.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

**COUNTY ADMINISTRATOR'S REPORT (CONTINUED )**

**Montgomery –Floyd Regional Library - Library Director Position**

The County Administrator reported that the Library Board has requested the Board of Supervisors to consider providing additional funding of \$20,000 toward the Library Director's position in order to offer a contract to the top candidate.

On March 13, 2006, the Board adopted a resolution to re-classify one of the Library Managers' position to a Library Director's position, which is a upgrade from a Grade 225 to a Grade 228. The current starting salary for the Library Director's position at a Grade 228 is \$55,068. The Library Board is asking the Board to provide additional funding for the salary and benefit increase.

The Library Board indicated they could incur some savings in FY 05-06 to help cover the travel expenses and salary until June 30, 2006; however, they could not cover the entire difference in the upcoming fiscal year.

Supervisor Biggs encouraged the Board to move forward with this so the Library Board can offer a contract for the Library Director's position.

Supervisor Muffo believes it is hard to find good quality people and suggested the County provide half the additional salary and benefits, not to exceed \$10,000.

Supervisor Spardlin agreed that the County needs to move forward but in not comfortable with funding an additional \$20,000. If the Board does agree to fund 50% he would like for the Library Board to report how they plan to fund the remaining 50%.

The Board also discussed whether the remaining two library manager positions are to be re-classified downward after a Library Director is hired.

Supervisor Spradlin commented that once a Library Director is hired and employed for 90 days, he would like for the Board to discuss converting the Library Board into an advisory board.

### **R-FY-06-174 LIBRARY DIRECTOR**

On a motion by James D. Politis, seconded by John A. Muffo and carried,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves extending the hiring range for the Library Director position.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby agrees to fund 50%, not to exceed \$10,000, of the additional funds for compensation and fringe benefits for the Library Director position, and the Library Board will provide the remaining 50%.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby requests the Library Board to provide a detailed report on how the Library Board funded their share of these costs within their existing budget.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	Mary W. Biggs	Gary D. Creed
James D. Politis	Doug Marrs	
Annette S. Perkins		
Steve L. Spradlin		

### **BOARD MEMBERS' REPORT**

**Supervisor Biggs** asked the status of meeting with the School Board to discuss the issue of the three school construction projects: Price's Fork Elementary, Elliston-Lafayette Elementary School, and Auburn Middle School.

**Supervisor Spradlin** reminded the Board that the Coal Miner's Heritage Day is scheduled for June 10, 2006, and the Law Enforcement Torch Run is June 6, 2006.

### **ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, June 12, 2006.

The vote on the foregoing motion was as follows:

**AYE**

Mary W. Biggs  
Annette S. Perkins  
James D. Politis  
John A. Muffo  
Doug Marrs  
Steve L. Spradlin

**NAY**

None

**ABSENT**

Gary D. Creed

The meeting adjourned at 11:25 p.m.

APPROVED:_____	ATTEST:_____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator